

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 80

HOUSE BILL 2498

AN ACT

AMENDING TITLE 38, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 38-448; RELATING TO STATE EMPLOYEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 38, chapter 3, article 4, Arizona Revised Statutes,
3 is amended by adding section 38-448, to read:

4 38-448. State employees; access to internet pornography
5 prohibited; cause for dismissal; definitions

6 A. EXCEPT TO THE EXTENT REQUIRED IN CONJUNCTION WITH A BONA FIDE,
7 AGENCY APPROVED RESEARCH PROJECT OR OTHER AGENCY APPROVED UNDERTAKING, AN
8 EMPLOYEE OF AN AGENCY SHALL NOT KNOWINGLY USE AGENCY OWNED OR AGENCY LEASED
9 COMPUTER EQUIPMENT TO ACCESS, DOWNLOAD, PRINT OR STORE ANY INFORMATION
10 INFRASTRUCTURE FILES OR SERVICES THAT DEPICT NUDITY, SEXUAL ACTIVITY, SEXUAL
11 EXCITEMENT OR ULTIMATE SEXUAL ACTS AS DEFINED IN SECTION 13-3501. AGENCY
12 HEADS SHALL GIVE, IN WRITING, ANY AGENCY APPROVALS. AGENCY APPROVALS ARE
13 AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO SECTION 39-121.

14 B. AN EMPLOYEE WHO VIOLATES THIS SECTION PERFORMS AN ACT THAT IS CAUSE
15 FOR DISCIPLINE OR DISMISSAL OF THE EMPLOYEE AND FOR AN EMPLOYEE IN STATE
16 SERVICE IS CONSIDERED MISUSE OR UNAUTHORIZED USE OF STATE PROPERTY PURSUANT
17 TO SECTION 41-770.

18 C. ALL AGENCIES SHALL IMMEDIATELY FURNISH THEIR CURRENT EMPLOYEES WITH
19 COPIES OF THIS SECTION. ALL AGENCIES SHALL FURNISH ALL NEW EMPLOYEES WITH
20 COPIES OF THIS SECTION AT THE TIME OF AUTHORIZING AN EMPLOYEE TO USE AN
21 AGENCY COMPUTER.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "AGENCY" MEANS:

24 (a) ALL OFFICES, AGENCIES, DEPARTMENTS, BOARDS, COUNCILS OR
25 COMMISSIONS OF THIS STATE.

26 (b) ALL STATE UNIVERSITIES.

27 (c) ALL COMMUNITY COLLEGE DISTRICTS.

28 (d) ALL LEGISLATIVE AGENCIES.

29 (e) ALL DEPARTMENTS OR AGENCIES OF THE STATE SUPREME COURT OR THE
30 COURT OF APPEALS.

31 2. "INFORMATION INFRASTRUCTURE" MEANS TELECOMMUNICATIONS, CABLE AND
32 COMPUTER NETWORKS AND INCLUDES THE INTERNET, THE WORLDWIDE WEB, USENET,
33 BULLETIN BOARD SYSTEMS, ON-LINE SYSTEMS AND TELEPHONE NETWORKS.

APPROVED BY THE GOVERNOR APRIL 17, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2003.

Passed the House March 4, 2003,

by the following vote: 50 Ayes,

8 Nays, 2 Not Voting

Jake Flake
Speaker of the House

Norman L. Fyore
Chief Clerk of the House

Passed the Senate April 10, 2003

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Ken Bennett
President of the Senate

Channing Billings
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2003

at 3:11 o'clock P. M.

Sandra Hamer
Secretary to the Governor

Approved this 17 day of

April, 2003,

at 4⁰⁰ o'clock P. M.

Jon R. Arpaio
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 18 day of April, 2003,

at 3:33 o'clock P. M.

Janice L. Brewer
Secretary of State

H.B. 2498